

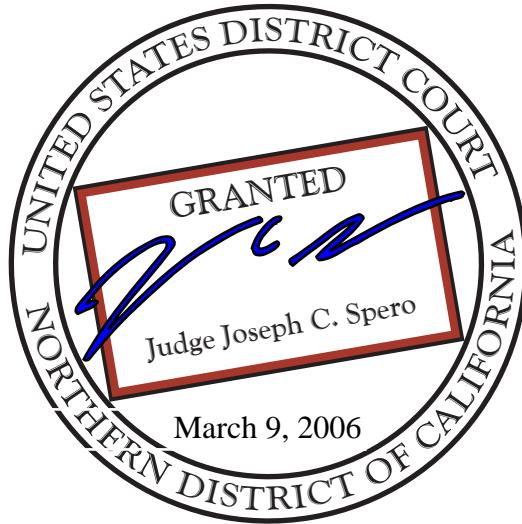
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14
15 UNITED STATES DISTRICT COURT
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17 NORTHERN DISTRICT OF CALIFORNIA

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19 UZOMA GOGO NWAKUCHE and
20 KEGO EGBUONO,

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22 Plaintiffs,

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24 v.
25
26 REGNERY PUBLISHING, INC. and
27 KENNETH R. TIMMERMAN,

28 Defendants.

Case No. 4:03-cv-00848 CW/WDB/JCS

UNOPPOSED APPLICATION BY
DEFENDANT TIMMERMAN TO APPEAR
AT MARCH 15, 2006 SETTLEMENT
CONFERENCE VIA TELEPHONE

Settlement Conference
Magistrate Judge Spero
Date: March 15, 2006
Time: 9:30 a.m.

1 COMES NOW defendant Kenneth Timmerman, by and through the undersigned counsel,
 2 and hereby requests that he be permitted to attend the March 15, 2006 Settlement Conference in
 3 the above-captioned matter via telephone, and as support thereof, states as follows:

4 1. Mr. Timmerman's wife will be traveling overseas during the week of March 15,
 5 2006, and requiring Mr. Timmerman to travel from his Maryland home to San Francisco for the
 6 conference will pose a substantial hardship on him and his family, as he has two school-age
 7 children under his care.

8 2. The defendants in this matter are covered by insurance and the representative of
 9 the carrier with full authority to negotiate up to the limits of coverage will be in attendance at the
 10 conference.

11 3. A representative from defendant Regnery Publishing, Inc., the publisher, with full
 12 settlement authority, also will be in attendance at the conference.

13 4. Mr. Timmerman previously attended the Early Neutral Evaluation conference in
 14 this matter in August 2004 in San Francisco. He is available to attend this conference via
 15 telephone.

16 5. Counsel for defendants has conferred with counsel for plaintiffs regarding this
 17 application, and counsel for plaintiffs consents to this request.

18 WHEREFORE, Defendant Timmerman respectfully requests that he be permitted to
 19 participate in the Settlement Conference scheduled for March 15, 2006 via telephone.

20 Respectfully submitted,



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 22 DATED: March 3, 2006
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 24 ANDRE Y. BATES (State Bar No. 178170)
 25 BRUCE W. SANFORD
 26 ROBERT D. LYSTAD (*admitted pro hac vice*)
 27 MARK I. BAILEN (*admitted pro hac vice*)
 28 BAKER & HOSTETLER LLP

Counsel for Defendants Regnery Publishing Inc. and
 Kenneth R. Timmerman

PROOF OF SERVICE

I, Denise Palmer, declare:

I am employed in Washington, D.C.. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1050 Connnecticut Avenue, NW, Suite 1100, Washington, D.C. 20036. On March 3, 2006, I served a copy of the within document(s):

**UNOPPOSED APPLICATION BY DEFENDANT
Timmerman TO APPEAR AT MARCH 15, 2006
SETTLEMENT CONFERENCE VIA TELEPHONE**

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. PST and the transmission was reported as complete and without error.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Washington, D.C. addressed as set forth below.
- by placing the document(s) listed above in a sealed FedEx envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a FedEx agent for delivery.

Anthony J. Sperber
Karen Berntson
1808 Sixth Street
Berkeley, CA 94710
Fax: 510-845-1998

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury that the above is true and correct.

Executed on March 3, 2006, at Washington, D.C.

Denise M. Palmer
Denise Palmer